UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/51/201
10 July 1996

ORIGINAL: ENGLISH

Fifty-first session
Item 113 (b) of the preliminary
list*

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Note by the Secretary-General

1. In its resolution 49/213 of 23 December 1994, the General Assembly recalled its resolution 48/126 of 20 December 1993, by which it had proclaimed 1995 the United Nations Year for Tolerance, and requested the United Nations Educational, Scientific and Cultural Organization (UNESCO) to prepare for the conclusion of the Year a declaration of principles and a programme of action as a follow-up to the Year, and to submit them to the General Assembly at its fifty-first session.

2. The Secretary-General has the honour to submit to the General Assembly a letter addressed to him by the Director-General of UNESCO (see annex), in which he attaches a final report on the United Nations Year for Tolerance, which includes a Declaration of Principles on Tolerance and a Follow-Up Plan of Action for the United Nations Year for Tolerance (1995), adopted by acclamation by the General Conference of UNESCO, at its meeting on 16 November 1995, at its twenty-eighth session (25 October to 16 November 1995). The report should assist Member States in their discussion on the lines of action for the future, indicated by UNESCO in the Follow-Up Plan of Action for the promotion of tolerance, peace and solidarity among the peoples of the world.

---

* A/51/50.

96-17090 (E) 260796

/...

ANNEX

Letter from the Director-General of UNESCO
to the Secretary-General

The General Conference of UNESCO at its twenty-eighth session (25 October to 16 November 1995) adopted a Declaration of Principles on Tolerance and a Follow-Up Plan of Action for the United Nations Year for Tolerance.

I believe that this Declaration is a milestone in the world community's progress towards defining both the concept and the role of tolerance at the international and State levels, in civil society and in education. It was drafted through extensive consultations with member States, and makes use of the contributions of several meetings on tolerance held throughout the year. It recalls relevant human rights instruments, and addresses intolerance in its many forms, including violence, terrorism, injustice and exclusion.

The Follow-Up Plan indicates lines of action for the future, including educational initiatives, public awareness activities, social integration and development programmes, and continued mobilization of the United Nations system for the promotion of tolerance, peace and solidarity among the people of the world.

Article 6 of the Declaration proclaims 16 November the International Day for Tolerance. This day, the anniversary of the signing of the UNESCO Constitution, could serve as an annual occasion for discussion of tolerance issues and for related special events, both in educational institutions and among the wider public, in cooperation with the media.

The General Conference decided to submit the Follow-Up Plan of Action and the Declaration of Principles on Tolerance for consideration by the General Assembly at its fifty-first session. It is to be hoped that at this session the Assembly would, in reviewing the Year, also assess the future course of the tolerance campaign, in accordance with General Assembly resolution 49/213.

It is therefore my privilege to transmit to you the Declaration of Principles on Tolerance and the Follow-Up Plan of Action as approved by the General Conference of UNESCO. I should like to count on the cooperation of the United Nations in bringing about the widest possible distribution of these documents, particulary the Declaration, through all appropriate channels. The challenges posed by rising intolerance in every region call for a coordinated response by intergovernmental, governmental and non-governmental organizations working in partnership.

(Signed) Federico MAYOR

APPENDIX I

Final Report on the United Nations Year for Tolerance:

Declaration of Principles on Tolerance and Follow-up Plan of Action

Part 1 : Final Report

1. The proclamation of 1995 as the Year for Tolerance was first proposed at the twenty-sixth session of the UNESCO General Conference in its resolution 5.6, which invited the Director-General 'to examine, in consultation with the United Nations, the appropriate arrangements for declaring 1995, which is the fiftieth anniversary of UNESCO, United Nations Year for Tolerance, and to prepare a declaration on tolerance that might be discussed and possibly adopted on that occasion.'

2. In 1993, the United Nations General Assembly by its resolution 48/126 proclaimed 1995 the Year for Tolerance, and designated UNESCO lead agency for the Year.

3. In April 1994, the Director-General initiated an intergovernmental consultation, sending a circular letter (CL/3341) to the secretaries-general of UNESCO National Commissions. Some 40 replies were received, proposing specific actions at the national level in the fields of education, sciences, social sciences, culture and communication.

4. At the end of 1994, the Director-General of UNESCO made a world-wide appeal for tolerance in the form of a Declaration on the Eve of the United Nations Year for Tolerance. He called for a definitive end to the archaic culture of war, which must at last yield to a culture of peace. He condemned 'ethnic cleansing, terrorism, cultural and religious extremism, genocide, exclusion and discrimination', while praising dialogue and non-violence as the best means of resolving the conflicts that naturally arise in human societies. This was one of a number of appeals for tolerance and non-violence made by the Director-General in connection with the Year.

5. On 21 February 1995, the Year for Tolerance was officially launched at a joint press conference by the Secretary-general of the United Nations and the Director-General of UNESCO at United Nations Headquarters in New York.

6. In conformity with its mandate as lead agency for the Year, UNESCO prepared for 1995 a diverse programme of meetings, concerts, broadcasts, festivals, publications, exhibitions and other special events across every one of the world's regions. The Year's calendar of events included regional and national conferences, the creation of prizes and cultural programs, film and theatre festivals, children's books, essay and poster contests, magazine articles, anthologies of quotations concerning tolerance, a UNESCO tolerance teaching guide, and special appearances by UNESCO Goodwill Ambassadors in the cause of tolerance. One of these, for example, was the 14 July 1995 Paris Concert for Tolerance by the French artist Jean-Michel Jarre, which drew 1,200,000 spectators. A Calendar of Events is available as Annex I to the present document.

7. The 1995 International Day of the Family and World Press Freedom Day were dedicated to the theme of tolerance. The 146th UNESCO Executive Board established two new prizes: the UNESCO-Madanjeet Singh Prize for the Promotion of Tolerance and Non-violence and the UNESCO Prize for Children's and Young People's Literature in the Service of Tolerance.

8. In addition to public events, research, networking and assessments of needs and priorities were initiated by UNESCO, including evaluation of the most effective methods of addressing rising intolerance. The principle of tolerance was found to lie at the heart of the complex assemblage of international instruments establishing the basic rights and equality of all people. Continuation and expansion of these activities are foreseen in the Year's Follow-up Plan of Action.

9. In the course of the Year, regional conferences were hosted by Turkey, Brazil, Republic of Korea, Italy, Tunisia, India, and the Russian Federation, in accordance with UNESCO 27 C/Resolution 5.14. These meetings were special occasions for the mobilisation of the scientific and cultural communities in the cause of tolerance, and also reflected high-level political engagement. The conferences were marked by personal appearances or messages by the highest political authorities of the host countries.

10. Through these meetings, supplemented by a comprehensive consultation with all Permanent Delegations and Observers to UNESCO in July of 1995, a final version of the Declaration of Principles was prepared by the Secretariat. The Declaration, along with the Year's Follow-up Plan of Action, was discussed and adopted by acclamation by the General Conference on 16 November, 1995, the fiftieth anniversary of UNESCO. The Declaration proclaims that date the annual International Day for Tolerance.

11. In adopting the Declaration of Principles and Follow-up Plan of Action, the 185 UNESCO Member States committed themselves to 'promoting tolerance and non-violence through programmes and institutions in the fields of education, science, culture and communication' (Dec. of Principles, Art. 5).

12. The United Nations General Assembly also marked the end of the Year with a special plenary session on 20 November 1995. Twenty-one speakers took the floor in the discussion. One speaker proposed the convening of a worldwide Conference aimed at reducing hate.

13. In conformity with General Assembly resolution 49/213, the present document hereby provides to the General Assembly the text of the Declaration of Principles and the Plan of Action to follow-up the United Nations Year for Tolerance (1995).

Part II: Declaration of Principles on Tolerance[1]

The Member States of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris at the twenty-eighth session of the General Conference, from 25 October to 16 November 1995,

Preamble

Bearing in mind that the United Nations Charter states 'We, the peoples of the United Nations determined to save succeeding generations from the scourge of war, ... to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, ... and for these ends to practise tolerance and live together in peace with one another as good neighbours',

Recalling that the Preamble to the Constitution of UNESCO, adopted on 16 November 1945, states that 'peace, if it is not to fail, must be founded on the intellectual and moral solidarity of mankind',

Recalling also that the Universal Declaration of Human Rights affirms that 'Everyone has the right to freedom of thought, conscience and religion' (Article 18), 'of opinion and expression' (Article 19), and that education 'should promote understanding, tolerance and friendship among all nations, racial or religious groups' (Article 26),

Noting relevant international instruments including:

- the International Covenant on Civil and Political Rights,
- the International Covenant on Economic, Social and Cultural Rights,
- the Convention on the Elimination of All Forms of Racial Discrimination,
- the Convention on the Prevention and Punishment of the Crime of Genocide,

---

[1] proclaimed and signed on 16 November 1995.

the Convention on the Rights of the Child,

the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and regional instruments,

the Convention on the Elimination of All Forms of Discrimination against Women,

the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment,

the Declaration on the Elimination of All Forms of Intolerance Based on Religion or Belief,

the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

the Declaration on Measures to Eliminate International Terrorism,

the Vienna Declaration and Programme of Action of the World Conference on Human Rights,

the Copenhagen Declaration and Programme of Action adopted by the World Summit for Social Development,

the UNESCO Declaration on Race and Racial Prejudice,

the UNESCO Convention and Recommendation against Discrimination in Education,

Bearing in mind the objectives of the Third Decade to Combat Racism and Racial Discrimination, the World Decade for Human Rights Education, and the International Decade of the World's Indigenous People,

Taking into consideration the recommendations of regional conferences organized in the framework of the United Nations Year for Tolerance in accordance with UNESCO General Conference 27 C/Resolution 5.14, as well as the conclusions and recommendations of other conferences and meetings organized by Member States within the programme of the United Nations Year for Tolerance,

Alarmed by the current rise in acts of intolerance, violence, terrorism, xenophobia, aggressive nationalism, racism, antisemitism, exclusion, marginalization and discrimination directed against national, ethnic, religious and linguistic minorities, refugees, migrant workers, immigrants and vulnerable groups within societies, as

well as acts of violence and intimidation committed against individuals exercising their freedom of opinion and expression - all of which threaten the consolidation of peace and democracy both nationally and internationally and which are all obstacles to development,

Emphasizing the responsibilities of Member States to develop and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, gender, language, national origin, religion or disability, and to combat intolerance,

Adopt and solemnly proclaim this Declaration of Principles on Tolerance

Resolving to take all positive measures necessary to promote tolerance in our societies, because tolerance is not only a cherished principle, but also a necessity for peace and for the economic and social advancement of all peoples,

We declare the following:

Article 1 - Meaning of tolerance

1.1 Tolerance is respect, acceptance and appreciation of the rich diversity of our world's cultures, our forms of expression and ways of being human. It is fostered by knowledge, openness, communication and freedom of thought, conscience and belief. Tolerance is harmony in difference. It is not only a moral duty, it is also a political and legal requirement. Tolerance, the virtue that makes peace possible, contributes to the replacement of the culture of war by a culture of peace.

1.2 Tolerance is not concession, condescension or indulgence. Tolerance is, above all, an active attitude prompted by recognition of the universal human rights and fundamental freedoms of others. In no circumstance can it be used to justify infringements of these fundamental values. Tolerance is to be exercised by individuals, groups and States.

1.3 Tolerance is the responsibility that upholds human rights, pluralism (including cultural pluralism), democracy and the rule of law. It involves the rejection of dogmatism and absolutism and affirms the standards set out in international human rights instruments.

1.4 Consistent with respect for human rights, the practice of tolerance does not mean toleration of social injustice or the abandonment or weakening of one's convictions. It means that one is free to adhere to one's own convictions and accepts that others adhere to theirs. It means accepting the fact that human beings, naturally diverse in their appearance, situation, speech, behaviour and values, have the right to live in peace and to be as they are. It also means that one's views are not to be imposed on others.

Article 2 - State level

2.1 Tolerance at the State level requires just and impartial legislation, law enforcement and judicial and administrative process. It also requires that economic and social opportunities be made available to each person without any discrimination. Exclusion and marginalization can lead to frustration, hostility and fanaticism.

2.2 In order to achieve a more tolerant society, States should ratify existing international human rights conventions, and draft new legislation where necessary to ensure equality of treatment and of opportunity for all groups and individuals in society.

2.3 It is essential for international harmony that individuals, communities and nations accept and respect the multicultural character of the human family. Without tolerance there can be no peace, and without peace there can be no development or democracy.

2.4 Intolerance may take the form of marginalization of vulnerable groups and their exclusion from social and political participation, as well as violence and discrimination against them. As confirmed in the Declaration on Race and Racial Prejudice, 'All individuals and groups have the right to be different' (Article 1.2).

Article 3 - Social dimensions

3.1 In the modern world, tolerance is more essential than ever before. It is an age marked by the globalization of the economy and by rapidly increasing mobility, communication, integration and interdependence, large-scale migrations and displacement of populations, urbanization and changing social patterns. Since every part of the world is

characterized by diversity, escalating intolerance and strife potentially menaces every region. It is not confined to any country, but is a global threat.

3.2 Tolerance is necessary between individuals and at the family and community levels. Tolerance promotion and the shaping of attitudes of openness, mutual listening and solidarity should take place in schools and universities, and through non-formal education, at home and in the workplace. The communication media are in a position to play a constructive role in facilitating free and open dialogue and discussion, disseminating the values of tolerance, and highlighting the dangers of indifference towards the rise in intolerant groups and ideologies.

3.3 As affirmed by the UNESCO Declaration on Race and Racial Prejudice, measures must be taken to ensure equality in dignity and rights for individuals and groups wherever necessary. In this respect, particular attention should be paid to vulnerable groups which are socially or economically disadvantaged so as to afford them the protection of the laws and social measures in force, in particular with regard to housing, employment and health, to respect the authenticity of their culture and values, and to facilitate their social and occupational advancement and integration, especially through education.

3.4 Appropriate scientific studies and networking should be undertaken to co-ordinate the international community's response to this global challenge, including analysis by the social sciences of root causes and effective countermeasures, as well as research and monitoring in support of policy-making and standard-setting action by Member States.

Article 4 - Education

4.1 Education is the most effective means of preventing intolerance. The first step in tolerance education is to teach people what their shared rights and freedoms are, so that they may be respected, and to promote the will to protect those of others.

4.2 Education for tolerance should be considered an urgent imperative; that is why it is necessary to promote systematic and rational tolerance teaching methods that will address the cultural, social, economic, political and religious sources of intolerance - major roots of violence and exclusion. Education policies and programmes should contribute to

development of understanding, solidarity and tolerance among individuals as well as among ethnic, social, cultural, religious and linguistic groups and nations.

4.3 Education for tolerance should aim at countering influences that lead to fear and exclusion of others, and should help young people to develop capacities for independent judgement, critical thinking and ethical reasoning.

4.4 We pledge to support and implement programmes of social science research and education for tolerance, human rights and non-violence. This means devoting special attention to improving teacher training, curricula, the content of textbooks and lessons, and other educational materials including new educational technologies, with a view to educating caring and responsible citizens open to other cultures, able to appreciate the value of freedom, respectful of human dignity and differences, and able to prevent conflicts or resolve them by non-violent means.

Article 5 - Commitment to action

We commit ourselves to promoting tolerance and non-violence through programmes and institutions in the fields of education, science, culture and communication.

Article 6 - International Day for Tolerance

In order to generate public awareness, emphasize the dangers of intolerance and react with renewed commitment and action in support of tolerance promotion and education, we solemnly proclaim 16 November the annual International Day for Tolerance.

Part III: Plan of Action to follow up the United Nations Year for Tolerance (1995)

A common and sustained effort

1. The causes and factors contributing to manifestations of intolerance around the world are complex, and do not lend themselves to simple or facile solutions. Social variables include the progressive breakdown of family structures, migration to often overcrowded and dysfunctional urban areas, loss of traditional values, marginalization and exposure to violence in the media and in daily life. In addition, every society in the world today is diverse in its own way, as individual mobility unparalleled in past centuries brings millions of people into new environments every year. The world that young people are entering today is a multicultural, multi-ethnic and increasingly urban reality, where tolerance of diversity is necessary for the survival and human development of all members of society.

2. Among political and social factors, there are the fragility of democratic institutions, lack of respect for human rights, explosive nationalisms and ethnic rivalries, and conflicts that uproot and displace millions of people. In the economic field, unemployment and under-employment, great extremes of poverty and wealth within each country (and among countries) and continuing underdevelopment contribute to social tensions that manifest themselves as intolerance.

3. Despite these challenges, human beings have shown themselves to be capable of significant change, growth and adaptation in modern times and throughout history. Again and again they have proved capable of recognizing their underlying unity, their common hopes and aspirations, and the richness of human diversity.

4. Given the primary tools of education, dialogue and communication skills and forums, encouragement from leaders of public opinion, supportive legislation and the will to coexist as neighbours at peace with one another, the challenges need not prove insurmountable. The mandate of the United Nations and of UNESCO, in the interest of conflict prevention, promotion of human rights, mutual understanding, and social and economic development, points to the necessity of a sustained and co-operative effort to encourage the values of tolerance and peace among all the people of the world.

Objectives

5. According to 144 EX/Decision 5.1.1 and 145 EX/Decision 5.1 of the Executive Board and the recommendations of regional consultative meetings of National Commissions, the aim of the follow-up programme is to transpose the most successful components of the United Nations Year for Tolerance into more enduring strategies and structures by which tolerance promotion and sensitisation may be improved in every region of the world. This approach takes advantage of the synergy and momentum generated during the Year, to propel the campaign into 1996 and beyond.

6. As modern societies become increasingly diverse and interdependent, tolerance becomes ever more essential for the survival and well-being of both individuals and the communities in which they live. Tolerance is a matter not only of rights but also of responsibilities: moral obligations undertaken by citizens and States to provide for peaceful coexistence in and among integrated societies. Tolerance involves both behaviours that can be regulated and attitudes that cannot, both action by States in the domain of human rights all action by individuals as moral agents in a pluralistic environment.

7. The positive and active elucidation of the meaning of tolerance will be a part of Follow-up activities. Tolerance is neither indifference nor concession nor condescension: it is openness, respect, solidarity and acceptance of our diversity as human beings. Tolerance is facilitated through direct contacts, communication and education. In place of fear and rejection of the unknown, tolerance is mutual understanding through active interest in the traditions and beliefs of others and the sharing of common ideas.

8. The overall objective of the programme is therefore to educate, inform and empower individuals to assume the responsibilities of dialogue, mutual respect, toleration and non-violence, and to encourage pluralism and tolerance in the policies of Member States. In all, emphasis will be placed on constructing practical and concrete tools for problem-solving at the international, regional, national and local levels through a multifaceted and sustained campaign involving the participation of diverse institutions and societies.

Actors

9. This fundamental work will be implemented by the principal actors of international society, including Member States, the United Nations system, National Commissions, both universal and regional intergovernmental organizations, as well as non-governmental organizations, local communities and municipalities, and other actors in the public and private spheres.

Education and networking

10. The role of education is crucial. It can help to shape lifelong attitudes and furnish young people with the interpersonal skills they will need to live at peace with one another for years to come. This requires an integrated approach to education for peace, human rights, democracy and international understanding. Among its basic components are rights and values education, foreign language teaching, multicultural and intercultural curricula, new approaches to the teaching of history and citizenship, specialized teacher training and the creation of a democratic and tolerant climate in the classroom itself.

11. One of the main features of the follow-up to the United Nations Year for Tolerance is the proposal to establish an International Day for Tolerance on 16 November. This date is the anniversary of the signing of UNESCO's Constitution in 1945. Such a Day would serve as an annual occasion to focus on tolerance education worldwide, as endorsed by Education Ministers in the Declaration and Integrated Framework or Action of the 44th session of the International Conference on Education. In addition, the International Day for Tolerance would be an opportunity to undertake, in creative co-operation with the media in each country, special events, publications and broadcasts to mobilize public opinion in favour of tolerance.

12. With its affiliated networks, including the Associated Schools Project, the International Bureau of Education, the UNESCO Chairs, the UNESCO International Network of Textbook Research Institutes and a number of non-governmental organizations, UNESCO will implement a major campaign for tolerance teaching. Books, posters, films and videos on non-violence and tolerance will be developed, and teacher-training packages will be produced and distributed to the mass media through governmental and non-governmental programmes. In addition, support will be given to cultural projects with a historical and regional approach to multiculturalism, highlighting the role of tolerance in the world's cultural heritage.

13. These initiatives coincide with the objectives of the United Nations Decade for Human Rights Education, 1995-2005, which include the training of human rights educators, the development of special curricula and the translation and worldwide dissemination of the Universal Declaration of Human Rights.

14. They will also be co-ordinated with follow-up to the International Year of the Family (1994) and the implementation of the Convention on the Rights of the Child. Not only is the family milieu the natural starting-point for the promotion of tolerance and non-violence, but in addition, children are the most vulnerable victims in the case of conflict, acts of intolerance and human rights violations.

15. The world must make an investment for peace in its young people, who are often caught up in conflict situations beyond their control. UNESCO will contribute to the maintenance of intercultural summer camps, internships and exchanges of young people from conflict and post-conflict area, as well as film and broadcast projects by and for young people. International and regional networks in this field will be encouraged.

16. Education is also a means for spreading the values of religious toleration, as reflected in the special reports and resolutions of the Human Rights Commission regarding religious intolerance. Encouragement of constructive dialogue, such as the 1994 Barcelona meeting on the Contribution by Religions to the Culture of Peace, should continue in the follow-up to the Year for Tolerance. The Barcelona meeting brought together representatives of the world's religions, who agreed in repudiating hatred, intolerance and violence in the name of religion.

17. The promotion of tolerance and reconciliation among all parties involved in a conflict is the main objective of the culture of peace national programmes. These programmes put emphasis on development actions which propose non-violent alternatives within the context of pre- and post-conflict situations. Following 144 EX/Decision 5.1.1, close co-ordination of the activities related to the follow-up of the United Nations Year for Tolerance and the national programmes promoting a culture of peace is foreseen.

18. Along with education there is a need for monitoring and research in support of policy-making and standard-setting action in every region. A network of university exchanges in co-operation with UNESCO human rights and peace Chairs will be established for the advancement of knowledge and the dissemination of existing information in support of curriculum development, statistical studies, and early warning of the emergence of new forms of discrimination and the escalation of intolerant ideologies such as racism, fascism, antisemitism, xenophobia and aggressive nationalism.

19. This network will advance social scientific research into the sources of intolerance and recommend effective countermeasures. In the long term, the components of the network will serve as focal points and forums for intercultural and interreligious dialogue and liaison with the media, encouraging mutual understanding for the enhancement of social cohesion.

Mobilization of the United Nations system

20. Follow-up to the Year for Tolerance will be co-ordinated with the Programme of Action of the World Summit for Social Development and the Recommendations of the United Nations Conference on Human Settlements (Habitat II). Given that intolerance - the rejection of difference - is a major factor in social disintegration in every region of the world, governments should use public policies to promote solidarity, tolerance, equality of opportunity and non-violent resolution of conflicts. Social justice and tolerance go hand in hand.

21. The rights and responsibilities regarding tolerance and the right to be different are firmly established in human rights law. They have been repeatedly stated in international and regional instruments, such as the Universal Declaration of Human Rights, the International Conventions on the Elimination of All Forms of Racial Discrimination and Discrimination Against Women, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and Conventions on the Status of Stateless Persons, Workers and Indigenous People. They are also taken up by the Vienna Declaration and Programme of Action and are currently being addressed in the context of the Third Decade to Combat Racism and Racial Discrimination, 1993-2003, and the International Decade of the World's Indigenous People, 1995-2005.

22. Accordingly, UNESCO will work in close co-operation with the Office of the United Nations High Commissioner for Human Rights and the Centre for Human Rights towards the implementation of the Declaration of Principles of Tolerance and the present Follow-Up Plan of Action.

23. Tolerance will continue to be central to the United Nations High Commissioner's Office for Refugees (UNHCR) mandate to provide international protection and seek permanent solutions for the problems of refugees. The eventual legal, economic and social status of refugees depends upon the quality of their reception into their new environment, and tolerance is decisive in this process. UNHCR will accordingly continue its public information campaigns to raise the public's awareness and sensitivity towards the plight of refugees.

24. Tolerance is also a central objective of the International Labour Organization's long-standing programmes concerning equality in the workplace, migrant workers, exploited and indigenous populations, as well as the social consequences of unemployment and poverty. ILO will carry out education projects to inform both workers and children about their basic rights. In addition, UNICEF will pursue peace education initiatives aimed at rehabilitation, reconciliation and conflict prevention in both the industrialized and the developing world. Its Education for Development Programme is to become part of a universal curriculum teaching children how to think for themselves about human dignity, interdependence, images and perceptions, social justice and conflict resolution. The United Nations Development Programme will address the role of economic factors in exacerbating social tensions through diverse development projects aimed at raising living standards in developing countries.

25. Health status - both illness and disability - is also a factor in discrimination and intolerance. Intolerance of people living with disease or disability, often a result or ignorance and misplaced fear, increases the personal and social impact of the disease. Conversely, there is a positive correlation between tolerance and the protection of health.

26. In the case of the pandemic HIV/AIDS, for example the Joint and Co-sponsored United Nations Programme on HIV/AIDS co-sponsored by UNDP, UNESCO, UNFPA, UNICEF, WHO and the World Bank, will continue the initiatives undertaken in this field by the World Health Organization's Global Programme on AIDS.

27. Tolerance issues of special relevance to women are addressed in UNESCO's contributions to the 1995 Fourth World Conference on Women. Cooperation will be maintained in the follow-up to the Beijing Conference.

Co-ordination

28. This Follow-Up of Action will be co-ordinated through regular system-wide consultations of the United Nations and its Specialized Agencies, and in partnership with United Nations associations, UNESCO Associated Schools and Clubs, and non-governmental, intergovernmental and regional organizations in every part of the world.

29. It is proposed to establish a network for efficient communication and co-operation among the principal actors of this Follow-Up Plan of Action, including a system of evaluation of programme effectiveness and periodic reports to the United Nations and UNESCO governing bodies.

30. The co-ordination mechanism will involve the active participation of regional organizations such as the Organization for Security and Co-operation in Europe and the European Parliament. Co-operation will be continued in connection with the Council of Europe's Campaign against Racism, Xenophobia, Anti-Semitism and Intolerance, a public awareness campaign promoting mutual understanding, particularly among young people, in the region's diverse societies throughout 1995 and afterwards. Measures will be taken to increase co-operation with intergovernmental and non-governmental organizations in every other region as well, through concrete projects corresponding to the special circumstances of each area.

31. At the national level the UNESCO National Commissions will be responsible for overseeing and reporting on the implementation of the Follow-Up Plan of Action for the United Nations Year for Tolerance. Where relevant, the National Commissions will take concrete steps to ensure satisfactory national implementation and will co-ordinate this effort as appropriate with national authorities.

32. In addition, extra-budgetary sponsorship will be pursued, in the framework of the follow-up programme, to support special projects in the field of tolerance promotion and sensitisation among the widest public with the support *inter alia* of UNESCO Goodwill Ambassadors.

APPENDIX II

UNESCO GENERAL CONFERENCE RESOLUTION 28 C/5.6:

Declaration of Principles on Tolerance and Follow-Up Plan of Action for the United Nations Year for Tolerance

The General Conference,

Having examined the report by the Director-General on the implementation of 26 C/Resolution 5.6, concerning the adoption of a Declaration on Tolerance, and Proposals relating to a Follow-Up Plan of Action for the United Nations Year for Tolerance (28 C/26),

Recalling 146 EX/Decision 5.4.2 in which the Executive Board decided to examine at its 147th session the document submitted by the Director-General to the General Conference and to forward as an addendum such comments as it might have thereon to the General Conference

Taking note of United Nations General Assembly resolution 49/213,

1. *Highly appreciates* the Director-General's efforts in support of the programme of the United Nations Year for Tolerance, including his public addresses and appeals;

2. *Invites* the Director-General:

   (a) to continue his present efforts in promoting the spirit of tolerance and non-violence, including the proposal to the Executive Board and the General Conference of any actions he deems appropriate to counter manifestations of violence and hatred;

   (b) to continue his efforts in close co-operation with Member States, the Secretary-General of the United Nations, the relevant bodies of the United Nations system, intergovernmental and non-governmental organizations in advancing the ongoing United Nations Year for Tolerance projects and in the establishment of the follow-up programme;

(c) to explore the possibility of creating a multidisciplinary research and training network, in respect of action to combat intolerance, discrimination and violence, in the research centres and universities of the Mediterranean and the Black Sea that have participated in the holding of symposia, conferences and other events within the framework of the United Nations Year for Tolerance;

(d) to examine the possibility of entrusting the Advisory Committee on Education for Peace, Human Rights and Democracy with the task of evaluating the activities undertaken within UNESCO to implement the Plan of Action to follow up the United Nations Year for Tolerance;

(e) to provide adequate financial and human resources for the implementation of the follow-up programme;

3. *Invites* Member States to continue this programme on a permanent basis by incorporating its fundamental features in their education systems by means of normative instruments;

4. *Decides* to declare 16 November International Day for Tolerance beginning in 1995;

5. *Calls upon* Member States to contribute their plans and suggestions for observing and celebrating such a Day, both in educational establishments and among the general public;

6. *Adopts* the Follow-Up Plan of Action for the United Nations Year for Tolerance (1995) and the Declaration of Principles on Tolerance;

7. *Decides*, in accordance with United Nations General Assembly resolution 49/213, to submit the Follow-Up Plan of Action for the United Nations Year for Tolerance and the Declaration of Principles on Tolerance to the fifty-first session of the United Nations General Assembly.

APPENDIX III

UNESCO GENERAL CONFERENCE RESOLUTION 5.62: IMPLEMENTATION OF THE DECLARATION OF PRINCIPLES ON TOLERANCE

The General Conference,

Considering that UNESCO, by reason of the responsibilities incumbent upon it under its Constitution in the fields of education, science - both natural and social sciences -, culture and communication, is required to call the attention of States and peoples to the problems related to all aspects of the essential subject of tolerance and intolerance,

Having regard to the UNESCO Declaration of Principles on Tolerance, proclaimed on 16 November 1995,

1. *Urges* Member States:

(a) to mark 16 November as an annual International Day for Tolerance by organizing special events and programmes to spread the message of tolerance among their citizens, in co-operation with educational institutions, intergovernmental and non-governmental organizations, and the media in every region;

(b) to communicate to the Director-General any information that they would like to share, including knowledge generated by research or public discussion of the issues of tolerance and cultural pluralism, in order to increase our understanding of the phenomena associated with intolerance and with ideologies that preach intolerance, such as racism, fascism and antisemitism, and of the most effective measures for addressing these issues;

2. *Invites* the Director-General

(a) to ensure the widest possible dissemination of the text of the Declaration of Principles and, to that end, to publish and arrange for the distribution of the text not only in the official languages of the General Conference but also in as many other languages as possible;

(b) to initiate an appropriate mechanism for co-ordinating and evaluating actions undertaken in support of tolerance promotion and education in the United Nations system and in co-operation with other partner organizations;

(c) to communicate the Declaration of Principles to the Secretary-General of the United Nations with a request that he submit it, as appropriate, to the fifty-first session of the United Nations General Assembly in accordance with the latter's resolution 49/213.

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/51/202
S/1996/537
10 July 1996

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Item 81 of the preliminary list*
REVIEW OF THE IMPLEMENTATION OF THE
DECLARATION ON THE STRENGTHENING
OF INTERNATIONAL SECURITY

SECURITY COUNCIL
Fifty-first year

Letter dated 10 July 1996 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the statement by His Excellency Mr. Milan Milutinović, Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia, delivered at the Meeting of the Ministers of Foreign Affairs of Countries of South-eastern Europe, held at Sofia on 6 and 7 July 1996.

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly, under item 81 of the preliminary list, and of the Security Council.

(Signed) Vladislav JOVANOVIĆ
Chargé d'affaires a.i.

* A/51/50.

96-17100 (E) 100796

/...

ANNEX

Statement by the Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia at the Meeting of the Ministers of Foreign Affairs of Countries of South-eastern Europe, held at Sofia on 6 and 7 July 1996

First of all, I would like to thank our hosts, and Foreign Minister Pirinski in particular, for their hospitality and attention and the excellent organization of this meeting, to which we attach great importance. It is my deep conviction that we have gathered together today guided by the common desire and resolved more than ever before to address ourselves to reviving and strengthening regional cooperation and, in doing so, to make a steadfast contribution to peace, security and the building of lasting good-neighbourliness and the all-round prosperity of our peoples.

At the first Ministerial Conference in Belgrade in 1988, we confirmed the commitment of our countries to the principles of independence, sovereignty, territorial integrity, the inviolability of borders and non-interference in internal affairs as a basis of intra-Balkan relations and cooperation. The Federal Republic of Yugoslavia remains committed to respecting these principles, because it is on them that it wishes to build good-neighbourly relations and develop all-round cooperation with all countries of the Balkans and South-eastern Europe.

Unfortunately, the changes in Europe and the world in the last several years have been tragically reflected in the sensitive region of the Balkans. The civil war in Bosnia and Herzegovina took a heavy toll in human lives and resulted in enormous material destruction. The sanctions unjustly imposed on the Federal Republic of Yugoslavia caused vast damage to the entire region and Europe as a whole. The restoration and promotion of intra-Balkan cooperation is the best way to make up for what has been lost and to open up the prospects for a faster economic and social development.

From the very beginning of the Yugoslav crisis, the Federal Republic of Yugoslavia has called for its peaceful political solution. It rendered a decisive contribution to the establishment of peace in Bosnia and Herzegovina and the conclusion and implementation of the Dayton/Paris Peace Agreement. It has consistently fulfilled all the obligations deriving from that Agreement. The signing at Florence of the Agreement on Subregional Arms Control brought to a successful end the first phase of the negotiations on military matters. Before us is the obligation, provided for by the Dayton Agreement, to reach, in future negotiations, an agreement on regional arms control, as well as to define new security arrangements in this part of Europe. This should be our common contribution to the elaboration of a new security model for Europe in the twenty-first century.

We attach priority importance to the implementation of the civilian and political components of the Peace Agreement. This is particularly true of the preparation and holding of free and democratic elections in Bosnia and

Herzegovina scheduled for 14 September, which should result in the establishment of legitimate organs and institutions.

We attach first-rate economic and political importance to the reconstruction of Bosnia and Herzegovina, as well as of other parts of the former Yugoslavia. Even development of all parts of Bosnia and Herzegovina and equal treatment of the Republic of Srpska and the Federation of Bosnia and Herzegovina in the allocation of financial resources represent the basic preconditions for the restoration of confidence and coexistence. We are convinced that the Balkan countries will find their own interest in, and render their full contribution to, this process.

The Federal Republic of Yugoslavia, which provided shelter to over 600,000 refugees of all nationalities, is interested in, and calls for, the free and safe return of refugees to their homes. It is against each and every form of pressure and administrative and other obstacles preventing refugees from deciding freely on their place of residence.

I would like to point out that the Federal Republic of Yugoslavia appreciates the understanding and constructive attitude of the majority of the Balkan countries during the Yugoslav crisis. We call on all Balkan countries to increase their support to the reintegration of the Federal Republic of Yugoslavia into all international organizations, including all international financial institutions. This is an important precondition for the success of the peace process, for the strengthening of peace and stability and for the development of all-round cooperation in the region. We expect such support to be reflected in joint positions to be taken at this meeting.

We consider that the creation of an environment which would be open to the present-day economic, technological, cultural and other positive trends in Europe and the world is the basis for a faster integration of the Balkans in the modern-day integration processes in Europe. This we also recognize in the regional approach of the European Union to cooperation with the countries of South-eastern Europe. The Federal Republic of Yugoslavia strongly supports this approach. It is in the common economic interest for the European Union to support the strengthening of our mutual cooperation, i.e. greater linkage among economic, market, infrastructure and, above all, human resources of our countries.

All Balkan countries are interested in the creation of relations of exemplary good-neighbourliness and privileged partnership. It is only through constructive efforts, patience and mutual confidence that we can create a favourable climate for a pragmatic solution of all and in particular open bilateral questions.

The States created out of the former Yugoslavia have been called upon to make a contribution to the construction of such relations in our region through the process of full normalization of mutual relations. In its Constitutional Declaration of 27 April 1992, the Federal Republic of Yugoslavia expressed its readiness to fully respect the rights and interests of the newly created States in the region of the former Yugoslavia and confirmed that it had no territorial aspirations in its environment. It has persisted in maintaining this position

throughout the Yugoslav crisis and will continue to do so also in the future. It is committed to bringing the ongoing process of normalization, which has already yielded significant results, to a successful end.

The creation of conditions for all citizens of the Balkans to enjoy equal rights, irrespective of their nationality or religion, and equal possibilities to use the achievements of the present-day world in the spheres of civilization and democracy is the task and the responsibility of our generations. By its Constitution and laws, the Federal Republic of Yugoslavia guarantees full equality, under the highest world standards, to all its citizens irrespective of their nationality, religion or other characteristics.

We trust and believe that the right time has come for all Balkan countries to turn themselves to their common future and focus their efforts on the pursuit of the following goals:

- The promotion of multilateral political dialogue and cooperation at all levels and on all questions of common interest. In that context, we call for the establishment of a consultative Assembly of the Balkan Countries as soon as possible, which would convene either regularly or as need be and would consist of permanent delegations of Parliaments of all Balkan countries;

- Dynamic and harmonious economic development of the Balkans as a priority. This can be achieved by various measures, in particular by the creation of favourable conditions for the investment of the capital of international financial institutions, the European Union and the countries of significant investment capacity;

- Reduction of administrative, customs and other artificial barriers and their eventual lifting;

- Cooperation in harmonizing national legislations with the legislation of the European Union;

- Establishment of direct links among banks and the founding of joint banks that would operate on a commercial basis and the speeding of the process of the establishment of a regional bank of the Balkans;

- Introduction of economic criteria, modernization and cost-effective policy for the development of transportation infrastructure, establishment of cooperation in the field of air services and the setting-up of a Balkan agency for air traffic safety;

- Harmonization of approaches to international organizations in the field of telecommunications;

- Linking of power networks of the Balkan countries in which the power network of the Federal Republic of Yugoslavia could become a focal point and the establishment of cooperation in linking gas and oil pipelines;

- Establishment of a separate programme for the protection of the environment of the Balkan countries (Balkan Environmental Programme), i.e. a centre for the environment. My country would be pleased and honoured to have such a centre headquartered in [the Federal Republic of] Yugoslavia. We are convinced that this form of cooperation would speed up and facilitate implementation of European standards;

- Cooperation of police and other competent services in combating organized crime, terrorism, arms and narcotic drug trafficking and money laundering;

- Cooperation in the field of information, science, culture, management, tourism and in other areas (The Balkan Pool), which has already registered important results and deserves our coordinated and steady support.

Today, the peoples of the Balkans are also faced with a choice: to remain disunited or to join hands and team up with other peoples of Europe on the road towards common prosperity. Focusing on diversities in the Balkans will destabilize Europe as a whole; rather than that, the peoples living in these lands should get together in a common thrust for peace, for economic and any other prosperity. If we fail in this enterprise, we run the risk of being pushed to the margin of modern-day developments for a long time to come. Therefore we must resolutely seek to overcome our past misunderstandings, often foisted on us by others, through dialogue and all-round cooperation.

With that in mind, we trust and believe that the initiative of the Prime Minister of Bulgaria, Mr. Zhan Videnov, which Yugoslavia fully supported, will be a new beginning on the road towards the creation of a community of the equal peoples of the Balkans and the transformation of the region into a zone of lasting peace, stability, prosperity and good-neighbourliness.

The Federal Republic of Yugoslavia is ready to make a full contribution to reaching agreements and working out a concrete programme and plan of activities at this meeting which will open up prospects for dynamic regional cooperation and yield fruitful results of interest for all Balkan countries.

UNITED NATIONS **A E**

General Assembly
Economic and Social Council

Distr.
GENERAL

A/51/203
E/1996/86
10 July 1996

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Item 113 (c) of the preliminary list*
HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

ECONOMIC AND SOCIAL COUNCIL
Substantive session of 1996
Agenda item 5
SOCIAL, HUMANITARIAN AND HUMAN RIGHTS QUESTIONS

Letter dated 3 July 1996 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the report of the Government of the Federal Republic of Yugoslavia on the state of affairs and the exercise of national minority rights in the Federal Republic of Yugoslavia (see annex).**

I should be grateful if you would have the present letter and the attached report circulated as a document of the General Assembly, under item 113 (c) of the preliminary list, and of the Economic and Social Council, under agenda item 5.

(Signed) Vladislav JOVANOVIĆ
Chargé d'affaires a.i.

---

* A/51/50.

** The annex is being circulated in the languages of submission only.

ANNEX

[Original: English and French]

REPORT

on the state of affairs and the exercise of national minority rights in the Federal Republic of Yugoslavia

I Comparative survey of the constitutional minority safeguards under the Constitutions of FR Yugoslavia, the Republic of Serbia and the Republic of Montenegro

The Yugoslav positive legal practice shows that the area of the protection of freedoms and rights of persons belonging to national minorities is primarily of a constitutional-legal nature, meaning that it is governed by the Constitution of the Federal Republic of Yugoslavia (FRY) and by the Constitutions of its member republics.

The April 1992 Constitution of FR Yugoslavia, Art. 1 defines FR Yugoslavia as a federal state based on the equality of her citizens and the equality of her member republics. Consequently, the FRY Constitution speaks about citizens and their equality, and does not underline or accentuate the national character of the federal state. In this context, it is worth mentioning Article 8 of the FRY Constitution which sets out that power in FRY belongs to citizens and that they exercise this power directly or through their freely elected representatives.

Also of relevance if we look at national minority protection in the context of the safeguards of human and civil rights and freedoms is Article 10 of the FRY Constitution which recognizes and guarantees the human and civil rights and freedoms that are recognized by international law.

However, it is Article 11 of the FRY Constitution that regulates most directly the area discussed here because it recognizes and guarantees to the national minorities the rights to preserve, develop and express their ethnic, cultural, linguistic and other specificities and to use national symbols in keeping with international law. An important provision for the concept of the thus defined safeguards and for guaranteeing national minority rights is Article 15, paragraph 2 of the FRY Constitution which stipulates that in the territories of FRY inhabited by national minorities also their languages and scripts shall be in official use, in accordance with the law.

In addition, Section II of the FRY Constitution "Freedoms, rights and duties of man and citizen", relates to persons belonging to national minorities as well and ensures their equality, similar to that provided to all other FRY citizens. In that section, Articles 38, 42 and 50, provide for the possibility of banning certain acts if they incite ethnic, racial, religious hatred and intolerance.

An analysis of the constitutional-legal protection of national minorities in FRY should point out in particular to the provisions of Articles 20 and 45-48 of the FRY Constitution which, inter alia, define certain rights of national minorities, such as the right to equality before the law, the freedom to express national affiliation and culture, the right to use one's language and script,

/...

as well as the right not to have to declare one's ethnic origin, the right to be educated in one's own native language (in accordance with the law), the right to public information in one's native language, establishment of educational and cultural organizations and associations to be financed on the principle of voluntary contributions, provided that the state can support them in such activities and, lastly, the right to establish and maintain unhindered relations in FRY and abroad with persons belonging to the same nation who live in other states and to take part in international non-governmental organizations but without prejudice to FRY or its member republics.

Arrangements provided by Articles 45-48 of the FRY Constitution reflect the adoption of the standards stipulated in Article 27 of the Covenant on Civil and Political Rights. The Constitution does not provide for any separate safeguards of the right to practice a religion and perform religious rites, which is not essential after all because this matter is governed by certain other provisions of the FRY Constitution, namely those dealing with religious freedoms that also apply to persons belonging to national minorities (Article 43). It is noteworthy that the FRY Constitution goes a step further relative to the Covenant and that already in the said Article 48 it envisages a separate right of persons belonging to national minorities to maintain links and relations with their national state.

The Constitutions of the member republics contain provisions that are in essence identical to those governing this area under the FRY Constitution.

Accordingly, the September 1990 Constitution of the Republic of Serbia, Article 1, defines the Republic of Serbia as a democratic state of all her citizens, based on human and civil rights and freedoms, on the rule of law and on social justice.

Like the FRY Constitution, the Constitution of the Republic of Serbia contains provisions on human and civil rights, freedoms and duties (Section II, Articles 11-54), which apply to all citizens of the Republic of Serbia, and hence to members of national minorities as well. Article 32, paragraph 4, of the Republic of Serbia Constitution stipulates that members of other nations and ethnic groups shall have the right to be educated in their native language, in accordance with the law. Under Article 49 of the Republic of Serbia Constitution any citizen is guaranteed the freedom to express his ethnic origin and culture and the freedom to use his language and script, along with the right not to have to declare his ethnic origin. Article 123 of the Republic of Serbia Constitution guarantees to everyone the right to use their language in a court of law or before any other government body or organization deciding on their rights and duties in the discharge of its public functions, and to be informed of the relevant facts in their native language.

The October 1992 Constitution of the Republic of Montenegro, like the FRY Constitution, contains provisions concerning the rights and freedoms in Part II, Articles 14-76, which regulate special rights for persons belonging to national and ethnic groups (Articles 67-76).

The above mentioned provisions guarantee to members of national and ethnic groups the protection of their identity, the use of their language and script in the proceedings before the state authorities, the right to be educated and informed in their native language, the use and display of

national symbols, the establishment of educational, cultural and religious associations with the state's material support, incorporation of units on their history and culture in school curricula, proportionate representation in public service, governmental agencies and local self-government, the right to maintain contacts with their fellow countrymen outside Montenegro and the right to take part in regional and non-governmental international organizations, as well as the right to submit requests for the protection of their freedoms and rights to international institutions. To protect and preserve that identity and give effect to the mentioned rights, Article 76 of the Republic of Montenegro Constitution sets up a separate body headed by the President of the Republic - the Republic Council for the protection of rights of members of national and ethnic groups - whose composition and competencies are established by the Assembly.

Apart from the mentioned arrangements set forth in the FRY Constitution and in the Constitutions of the member republics for the protection of minority rights and freedoms, this area is also governed by individual laws both at the federal level and at the republic level in the areas of material law and criminal legislation, association of citizens, public information, schooling and education, languages in official use, etc

II International protection of minorities

Yugoslavia has ratified a large number of international documents, including those in the areas of rights and freedoms of man and citizen. By the act of ratification, adoption or approval, all the international instruments have become an integral part of our internal legal order.

For the purposes of this report, one should bear in mind in particular certain documents of international organizations addressing the protection and promotion of national minority rights such as: the International Covenant on Civil and Political Rights (Article 27); the Convention on the Prevention and Punishment of the Crime of Genocide (Articles 1-4); the International Convention on Elimination of all Forms of Racial Discrimination (Part I, Articles 1-7); the International Covenant on Elimination and Punishment of the Crime of Apartheid (Articles 1-4); the UN Declaration of the Abolishment of All Forms of Racial Discrimination (Articles 1, 2 and 5), the European Convention on the Protection of Human Rights and Basic Freedoms (Article 14); the Final Act of the Conference on Security and Cooperation in Europe (Helsinki 1975, Madrid 1983, Vienna 1989).

We single out in particular the 1992 UN Declaration on the rights of national or ethnic, religious and linguistic minorities and the Document adopted at the second meeting of the Conference on the human dimension of CSCE held in Copenhagen in 1990 in the part relating to the rights of national minorities. Both documents advise and recommend to the states to adopt respective legislative and other measures in order to protect ethnic (national, cultural, religious, linguistic) minorities as well as to promote the rights and the identity of these minorities (UN Declaration, Articles 1 and 4, and the CSCE Document, IV, Articles 30 and 35).

Finally, we would wish in particular to point to the 1995 Council of Europe Convention on the protection of national minorities, which has not come into force yet because it has not been ratified by a required number of Council of Europe member states, the convention that, along with

the two international documents mentioned in the previous paragraph, constitutes and contains what is considered to be an international and/or European standard in the sphere of protection and promotion of national minority rights.

III Exercise of minority rights in FR Yugoslavia

The territory of FR Yugoslavia, according to the data provided by the Federal Statistical Bureau, had a population of 10,345,464 in 1991.

The share of different national minorities and ethnic groups in the total FRY population is presented in terms of figures and percentages in the following table:

THE NATIONAL STRUCTURE OF THE YUGOSLAV POPULATION IN 1991

1. Serbs	6,485,596	62.3%
2. Montenegrins	520,408	5.0%
3. Albanians	1,727,541	16.6%
4. Hungarians	345,376	3.3%
5. Moslims	327,290	3.1%
6. Croats	115,463	1.1%
7. Romanies	137,265	1.3%
8. Slovaks	67,324	0.6%
9. Romanians	42,386	0.4%
10. Macedonians	48,437	0.5%
11. Bulgarians	25,214	0.2%
12. Vlachs	17,557	0.2%
13. Turks	11,501	0.15%
14. Others	465,349	4.5%

The federal and republican regulations in force guarantee to members of national minorities in FR Yugoslavia all rights in keeping with the international documents which FR Yugoslavia has ratified and with the standards arising therefrom.

Education

In the field of education, it is necessary to take as a point of departure the standards established by the Convention on the struggle against discrimination in education, adopted by the UN General Assembly in 1963 and ratified by Yugoslavia under her 1964 Regulation. This Convention prohibits any discrimination or differences based on race, gender, language, religion, political or other beliefs, national or social background, that are designed to cause or result in the destruction or undermining of equality in actions in the field of education. Article 5 of the Convention points out in particular that persons belonging to national minorities should also be recognized the right to use their language and to conduct instruction in that language provided that: that right is used in a manner which will not prevent national minorities from understanding

the culture and the language of the entire community and from taking part in its life or which will not put in jeopardy national sovereignty; that education in such schools is not inferior in quality to that prescribed or approved by the competent authorities and, finally, that attendance of those schools is a matter of free choice

Taking all this into account, the above mentioned as well as other provisions of the Convention have become an integral part of our domestic legal system not only owing to the ratification of this Convention but also thanks to the enforcement and further development of its provisions by means of new laws.

Education in FR Yugoslavia is available to all under equal conditions and elementary eight-year education is compulsory. Regular education in any of the languages that are in equal official use, in primary, secondary and higher schools, is free.

The constitutional right of persons belonging to national minorities to be taught in their language has been elaborated in a number of republic laws and other regulations. The educational process in minority languages is organized at pre-school level up to university level.

Under the Law on elementary schools and the Law on secondary schools of the Republic of Serbia, persons belonging to national minorities will follow the curricula in their native language provided at least 5 pupils enrol in the first grade and even fewer subject to the educational minister's approval. The Law also provides for the possibility of bilingual schooling or additional classes of minority language with elements of national culture as an elective subject.

According to the data for the 1993/1994 school year, elementary instruction in Autonomous Province of g Vojvodina is conducted in five teaching languages: Serbian, Hungarian, Slovak, Romanian, and Ruthenian. In 38 out of Vojvodina's 45 townships pupils are taught in one or several minority languages: in Hungarian in 29 townships, in Slovak in 12, in Romanian in 10, and in Ruthenian in 3 townships

Education in the Bulgarian language or bilingual instruction is conducted in 38 primary schools in the townships with a higher percentage of ethnic Bulgarians (Bosilegrad and Dimitrovgrad) which are attended by 2,451 pupils.

Pupils belonging to the Hungarian national minority attend classes solely in their native language in 42, Slovak in 7, Romanian in 13, and Ruthenian in 1 elementary school in Vojvodina. Parallel instruction in Serbian and any of the minority languages is conducted in 100 elementary schools and in another two schools pupils are taught in 3 minority languages. Of the total schooling population in Vojvodina, 11.54% attend elementary school in Hungarian, 2.19% in Slovak, 0.82 % in Romanian and 0.35% in Ruthenian, which is more or less proportionate to Vojvodina's overall ethnic structure. In areas where pupils are only taught in Serbian, the pupils whose native language is other than Serbian have an elective "Native language with elements of national culture" with two lessons a week from form I to form VIII grade..

In 37 secondary schools in Vojvodina, instruction is conducted in one of the four minority languages: in Hungarian in 27 schools, in Slovak in 2, in Romanian in 2 and in Ruthenian in 1 secondary school.

Teaching and education in national minority languages in secondary school facilities takes place under the Law on secondary schools, which, similarly to the Law on elementary schools, stipulates that at least 15 students in the first form of lycee, vocational and art schools are required for the following of the curriculum in their national minority language. Instruction in a minority language in cases where the 15 requirement has not been fulfilled is subject to approval by the Education Minister. The schools which provide instruction in national minority languages alone are likewise obliged to create the conditions for the following of the Serbian language curriculum and in areas where bilingual instruction takes place or children are taught in several minority languages, the school must provide conditions for the following of the curriculum in the subject of native language with elements of national culture. Instruction in a national minority language - Hungarian, Slovak, Romanian and Ruthenian - is conducted in 18 of Vojvodina's townships, in 12 lycees, and in 20 vocational schools, involving 290 classes and 7,240 students. In elementary and secondary schools where pupils and students are taught in minority languages, the Law stipulates the requirement for teachers to also keep records in minority languages, and the public school report is issued in those languages as well.

Under the provisions of the Law on higher schools and the Law on the university of the Republic of Serbia, instruction is conducted in Serbian, but may also be conducted in a minority language, subject to a decision taken by the founder of that school and the procured approval from the University. High and higher education in Hungarian is organized at 7 faculties, in Slovak at 2, in Romanian at 2 and in Ruthenian at 2 faculties.

The Law on higher schools and the Law on the university have consistent provisions regulating the organization and conduct of instruction in minority languages, as well as record-keeping in registries on the issued diplomas and the issued public certificates attesting to the completed studies. According to the data for the 1993/1994 school year, 11 higher schools in Vojvodina are attended by 717 students belonging to the Hungarian, Romanian, Slovak and Ruthenian national minorities, of which 466 attend lectures in their native language. Of the total number of students belonging to national minorities, the following percentages study at higher schools in their respective native languages: 69.3% of Hungarians; 32% of Slovaks; 91.07% of Romanians; and 4.76% of Ruthenians. The 13 institutions of high learning in Vojvodina are attended by 1,598 students belonging to national minorities, of which 357 students study in their native language.

A similar education arrangement is applied in Autonomous Province of Kosovo and Metohija, but ethnic Albanians are boycotting the legal educational system from elementary to high education facilities, which provide the instruction in Albanian. Prior to the boycott, there were 904 Albanian schools with 315,000 pupils, 69 secondary schools with 73,000 students, and the University in Pristina which was attended by 37,000 students, 80% of which were Albanians studying in the Albanian language. 98% of education-related costs was financed by the Republic of Serbia. By the number of students, Autonomous Province of Kosovo and Metohija was the

fourth in the world (behind US, Canada, and the Netherlands), while at the same time no more than 19,000 students were receiving their schooling at the University in Tirana.

The present state of affairs in education is characterized by the fact that persons belonging to the Albanian minority are taught in their native language at state-owned buildings and the Republic of Serbia has secured all that is necessary for the normal operation of schools, observing the principles enshrined in the relevant international documents. There are currently in Kosovo and Metohija 1,400 elementary schools in operation, 60 secondary schools and education centres and the University with 14 faculties. Teachers belonging to the Albanian minority use state-owned classrooms and teaching aids, teach in Albanian and only refuse to receive salaries from the Ministry of Education of the Republic of Serbia because that act would mean their recognition of the state of Serbia. At the University in Pristina, there are both professors and students belonging to the Albanian national minority.

It is solely for political reasons that the Albanians are refusing to accept a uniform educational system which applies to the territory of the Republic of Serbia, the curricula adopted by the competent government agencies, as well as a uniform certificates and diplomas system. Differences between the curricula are not numerous as no more than four subjects are a matter of dispute: language, history, geography and musical culture. All attempts to reach agreement, even with the aid of international mediators in Geneva, have failed due to the obstructive attitude of the representatives of the Albanian minority. Albanian separatists refused to submit their curricula to the Ministry of Education of the Republic of Serbia for verification. Nevertheless, the Republic of Serbia has been allocating substantial funds for the maintenance of instruction for the Albanian minority members.

In Kosovo and Metohija the parallel education of pupils and students is taking place under illegal curricula and criteria and with the use of illegal textbooks. The diplomas that are issued are not recognized nor can be recognized in either FR Yugoslavia or abroad.

The Republic of Serbia and FR Yugoslavia have so far demonstrated a high degree of wilingness to make concessions so that Albanian children may not suffer the consequences of this unreasonable policy. The authorities have shown their willingness to recognize the school years completed in the illegal school system provided that diplomas be issued by the competent bodies of the Republic of Serbia: yet, not even this offer was accepted. The Albanian separatists have repeatedly insisted on the certificates and diplomas being issued by the illegal bodies of the non-existent and unrecognized "Republic of Kosovo".

In 1992, the Government of FR Yugoslavia made the following proposal within the framework of the Geneva Conference on Yugoslavia for the settlement of educational problems in Kosovo and Metohija:

1. to reach agreement for the maximum guarantees, preservation and development of the cultural identity of persons belonging to Albanian national minority in FR Yugoslavia;

2. to re-employ all Albanian teachers who have wilfully abandonded their work posts (except for a small number of teachers who have commited criminal offenses),

3 to recognize, in favour of Albanian pupils, the two years they completed in the parallel and illegal educational system,

4 to ensure that instruction at all levels is conducted in the existing state-owned school buildings, and

5 to recognize the 1990 curriculum of the Republic of Serbia This proposal by the Government of FR Yugoslavia continues to be valid, but the secessionist Albanian leaders in Kosovo and Metohija have persistently turned it down

The Law on elementary schools of the Republic of Montenegro stipulates that schools or classes with instruction in the Albanian language as well as those with bilingual instruction shall be established in areas inhabited largely by persons belonging to the Albanian national minority. At the schools with instruction in the Albanian language, register books are kept and school certificates issued in the Serbian and Albanian languages

According to the statistics for the 1995/1996 school year, 3,118 pupils of Albanian nationality enrolled in the 11 elementary schools in the Republic of Montenegro at which pupils are taught in Albanian

The Law on secondary schools in the Republic of Montenegro stipulates that persons belonging to the Albanian national minority can be taught in Albanian conditions permitting and that schools or classes with bilingual instruction can be established as well At the secondary schools with instruction in the Albanian language, like at elementary schools, register books are kept and certificates and diplomas are issued in the Albanian language as well.

According to the statistics for the 1995/1996 schoolyear, there are three secondary schools in the territory of the Republic of Montenegro- at Plav, Tuzi and Ulcinj - with instruction in the Albanian language conducted by 83 teachers of Albanian nationality and attended by 900 students belonging to the Albanian nationality.

Information, publishing activities and culture

It follows from the provision of the Constitution of FRY which lays down the right of national minorities to public information in their respective languages, and also from the relevant provisions of the republic laws on public information, that the international standards have been met in this area as well.

The statistics for 1994 show that the following numbers of daily papers, magazines and different bulletins are published in FRY: 75 in Hungarian, 17 in Romanian and Ruthenian; 12 in Czech and Slovak; 25 in Albanian; 3 in Turkish, and 3 in Bulgarian. 19 papers and 36 magazines are published multi-lingually.

In keeping with the provisions of the Constitution of the Republic of Serbia and the Law on Public Information, there is a large number of public media in Serbia which use national minority languages - Albanian, Hungarian, Slovak, Romanian, Ruthenian, Ukrainian, Turkish, Bulgarian and Romany. All public media using minority languages are edited by persons belonging to the respective minorities.

The republic Law on public information in the Republic of Serbia makes it possible for everyone to publish papers even without any preliminary authorization, simply by entering the name of the paper into the competent court's registry. Autonomous Province of Vojvodina is responsible for securing the required preconditions for the public information in minority languages and scripts as well. For example, the 1994 provincial budget allocated the funds for supporting the publication of 14 newspapers and 4 magazines in national minority languages

Furthermore, Radio Television Pristina broadcasts TV and radio programming in Albanian, whereas radio programming is also broadcast by 6 local radio stations 25 papers come out in Albanian with a total annual circulation of 21 million and 40 magazines with a total annual circulation of 300,000 copies.

Radio Pristina broadcasts programming in the Albanian language every day after 15 30 hrs. The programming is basically of an informative nature and the speech to music ratio is 20 % to 80 %. Apart from the news bulletin which is broadcast on top of the hour, the following informative programs are produced every day before 15.00 hrs: the 12 o' clock News (10 minutes); the Events of the Day at 15.00 hrs (30 minutes); the Evening News at 18 30 hrs (30 minutes); and the Daily Chronicle at 22.00 hrs (15 minutes). Radio Pristina also takes over every day Radio Yugoslavia's informative program in Albanian which is broadcast from 21 - 21 15 hrs

Radio Pristina broadcasts programming in the Turkish language every day from 11 to 18 00 hrs Apart from informative-political programs, news bulletins and the evening news, the programming also features topics relating to culture, science, education, drama, entertainment, sports and music.

Radio Pristina also broadcasts two one-hour programs (on Thursdays and Sundays) in Romany covering the most important events related to the life, culture and customs of the Romanies.

Apart from Radio Pristina there are also local radio stations in the area of Kosovo and Metohija, as for instance Radio Metohija (Pec),Radio Kosovska Mitrovica, which broadcast programs in minority languages - in Albanian, Turkish and Romany.

Television Pristina broadcasts in Albanian day-to-day news (duration 10 minutes) and evening news (25 minutes). At present TV Pristina produces an average 47 minutes of programming in Albanian every day, that is 329 minutes a week or 17,019 minutes a year. In addition to the Albanian language, Television Pristina also broadcasts programs in Turkish whose

annual duration is 10,316 minutes as well as an 'informative-magazine' program in Romany with a total annual duration of 1,178 minutes

The Radio Pristinaand TV Pristina programs in Albanian are organized as business units like the programs in Serbian and in Turkish, and the units are led by responsible editors who look after the production of certain broadcasts and their contents

There is a disproportion between the Serbian language program and the Albanian language program, largely due to the shortage of personnel needed for the production of programs in Albanian. Vacancies remain unfilled because qualified applicants are in short supply as persons belonging to the Albanian national minority are refusing to work at enterprises financed by the state.

Of a total of 285,827 hrs of radio and TV programming broadcast in FRY in 1994, 6,454 hrs was in Albanian. In that year, 105 hrs of radio and TV programming was broadcast in Bulgarian; 19,543 in Hungarian; 3,599 in Romanian; 1,803 in Ruthenian; 5,485 in Slovak; 3,149 in Turkish, 48 in Ukrainian, and 4,614 hrs in other minority languages.

The radio stations in Vojvodina broadcast programs in 8 languages: Serbian, Hungarian, Slovak, Romanian, Ruthenian, Ukrainian, Macedonian and Romany. Radio programs in Hungarian are broadcast for 24 hrs a day, in Slovak on average 7 hrs a day, in Romanian 7 hrs as well, and in Ruthenian for 4 hours a day. These data relate to Radio Novi Sad - the main station for Vojvodina's territory. However, there are also in this province another 27 regional and local radio stations of which 4 produce and broadcast programs in 4 languages, 6 stations have programs in 3 languages, 8 stations use 2 and 4 stations one language.

Television Novi Sad broadcasts regularly in 5 languages: in Hungarian - every day; and in Slovak, Romanian and Ruthenian 5 - 6 times a week.

In 1993 the following numbers of books and brochures were published: 48 in Hungarian, 17 in Czech and Slovak; 16 in Romanian; 5 in Albanian, 1 in Bulgarian and 221 books in several languages.

In 1993, 41 books were published in Hungarian with an average circulation of 1,000 copies each, 7 books in Slovak with a circulation of 500 each and 6 to 7 books in Romanian and in Ruthenian with a circulation of 500 copies each. The library network across Vojvodina hold books in minority languages that correspond to the ethnic structure of the population: 76.67 % of their books are in Serbian; 15.65 % are in Hungarian; 1.12 % in Slovak; 1.04 % in Romanian and 0.22 % in Ruthenian.

In keeping with the provisions of the Law on Public Information of the Republic of Montenegro, there are several papers in the Albanian language in that republic, as well as the monthly magazine "Fati" which is published in Ulcinj and the weekly "Polis" which is published in Podgorica. Television of Montenegro broadcasts dayly its 15-minute news in Albanian, and on

Saturdays a 60-minute informative-cultural program. Montenegrin radio-stations broadcast 30-minute news in Albanian every day.

The interests of minority populations in the area of creative work and culture are looked after by the respective mother nations, communities and societies which, in co-operation with relevant provincial cultural institutions, prepare programs and carry out activities to maintain and cherish national identity, preserve and promote people's language, literature, the arts and folklore

Persons belonging to the Albanian national minority have not abandoned their work posts en masse and in an organized manner at the cultural institutions in Kosovo and Metohija. On the contrary, Albanians are employed in almost all cultural institutions and they make up a majority in many of them. Thus, for example, cultural centres or culture clubs in most towns in Kosovo and Metohija employ ethnic Albanians who outnumber Serb employees. Only 3 out of the 8 employees at the Provincial Cultural Centre in Pristina are Serbs and all employees at the Municipal Cultural Centre in Glogovac are Albanians; the same applies to the state archives and museums. For instance, of the 34 employees at the Kosovo and Metohija Museum 20 are ethnic Albanians, i.e. around 60 %.

At the Institute for the Protection of Cultural Monuments of Kosovo and Metohija, 10 out of the 25 employees are ethnic Albanians, and the same ratio exists in other municipal institutes as well.

At the National Theatre in Pristina there are two organizational units - the Serbian drama and the Albanian drama; however, the Albanian drama has a larger number of actors and other artistic and technical personnel. The same applies to the theatre of the young and to the Puppet theatre in Pristina and to the theatre in Djakovica where ethnic Albanian employees constitute a majority. These and other theatres in Kosovo and Metohija give performances in Albanian not only in this province but throughout Yugoslavia and abroad as well. At the National Theatre in Novi Sad there is an organizational unit - Drama which operates in the Hungarian language.

The activities and the programs of these institutions are financed by the state. The same applies to the protection of cultural monuments, regardless of their national origin. Apart from these institutions and their activities, other institutions pursue their activities quite independently, like the "Society of Kosovo Authors" and a large number of libraries. The activity of the libraries is largely based on nationalist and separatist principles but they are nevertheless allowed to operate using state-owned premises.

The right to political organization

Persons belonging to national minorities have the right to self-organization, political organization and political representation. In fact, persons belonging to all national minorities except the Albanian national minority, use this right in accordance with the constitution and the law.

Bearing in mind that the Constitution of the Republic of Serbia defines a province as a form of territorial autonomy, it vests the republic Assembly and the Government with legislative and executive powers. A province has a statute which is adopted by its assembly, subject to previous agreement from the National Assembly of the Republic of Serbia. The bodies of an autonomous province are: the assembly, the executive council and the agencies of government administration. Albanian political leaders have abused the amendments to the Constitution of the Republic of Serbia and used it as a pretext to suspend any dialogue, not only with the authorities in Belgrade, but also with other national minorities, which gave rise to further ethnic divisions. In Kosovo and Metohija the institutions of a parallel authority - the state-legal and Albanian-alternative - were set up. In July 1990 the Albanian secessionist leaders adopted a Constitutional declaration whereby they declared Kosovo and Metohija the "Republic of Kosovo", and in September of the same year a secret meeting of Albanian delegates of the dissolved "Assembly of Kosovo" adopted at Kacanik even the "Constitution of the Republic of Kosovo". The Albanian political elite most clearly elaborated on its refusal to engage in a dialogue on the status of Albanians in its Political Declaration adopted on 12 October 1991 by the "Coordination Council of Albanian Political Parties in Yugoslavia". The declaration envisages three plans for the settlement to the "Kosovo" issue, depending on the stand of the international community regarding the settlement of the Yugoslav crisis which at that time was well into the arming stage. According to the initial plan which envisaged no change of borders of the second Yugoslavia, the Albanian leaders insisted on the constitution of an independent, sovereign "Republic of Kosovo" which would embrace all ethnic Albanians from Kosovo and Metohija, Macedonia and Montenegro and have the right to associate in a Community of Yugoslav States. In case of changes of only the inter-republic borders, they envisaged the possible establishment of an ethnic Albanian Republic and finally in case there were changes of Yugoslavia's external borders, the Albanians would, according to the provisions of the Declaration, call a referendum at which they would decide on secession from Yugoslavia and unification with Albania.

Guided by those objectives, the Albanian separatist leaders set up a parallel system of authority and dissuaded the Albanian population from taking part in the 1991 population census as well as from using their universal suffrage in the election of government bodies in FR Yugoslavia, the Republic of Serbia and local authorities in the period from 1990 until the last elections on 19 December 1993 (they failed to turn up for the elections three times, twice for the federal elections, and once for local elections)

However, the Albanians living in the territory of the Republic of Serbia outside Kosovo and Metohija as well as the Albanians in Montenegro did take part in the republic and local elections. As a result, they have, for instance, two deputies to the Assembly of the Republic of Serbia as well as their representatives in municipal authorities.

Contrary to the ethnic homogeneity of the province of Kosovo and Metohija, the northern province of Vojvodina is an example of a distinctive multi-ethnic community deriving from a different cultural heritage. Manifestation, preservation and promotion of ethnic identity, tolerant relations in the conditions of cultural and ethnic pluralism, were the factors that turned a deaf ear to the call of extreme nationalism in our distant and recent past. Even after the events which preceded and occurred during the dismemberment of SFR Yugoslavia, Vojvodina has remained a stable and multi-ethnic community of Serbs, Montenegrins, Hungarians, Romanians, Ruthenians, Slovaks, Croats, Romanies, etc. Dissatisfaction with their status and the feeling of being threatened were in evidence among persons belonging to national minorities in Vojvodina following the spreading of the war and conflicts throughout Croatia and Bosnia-Herzegovina and the hostile statements by a part of the Serbian opposition concerning the persons belonging to non-dominant ethnic communities. The stability in Vojvodina's multiethnic space was enhanced by the fact that the level of rights related to the preservation, promotion and manifestation of ethnic specificities of non-Serb populations has not declined in any larger measure in the newly-formed Yugoslav state. A similar opinion was stated by persons belonging to minority populations in an opinion poll on the status of national minorities and ethnic groups in Vojvodina who regard Yugoslavia as their fatherland and who use all their rights related to ethnic identity in a satisfactory manner. A precondition for good inter-ethnic relations, according to persons belonging to non-dominant ethnic groups in Vojvodina, is the constituting of FRY on the democratic principles of a civil state of equal citizens regardless of their ethnic origin. Persons belonging to the four largest national minority communities in Vojvodina see in the respect for the Constitution and the law, development of democratic relations, tolerance and trust, the guarantees by the state, as well as in the consistent implementation of the proclaimed rights and in appropriate material and institutional resources, the guarantees for a stable status of all ethnic groups.

By taking advantage of the right to political association, the Hungarian national minority, for example, has won five deputy seats in the Republic Parliament through the Democratic Union of Vojvodina Hungarians (DUVH). A certain number of persons belonging to the Hungarian national minority had or are still having the status of deputies of certain other parties or of parties without a national prefix. At the most recent provincial elections, 120 deputies were returned to the Assembly, of which 23 belong to the Hungarian minority. Ethnic Hungarians hold all important offices in the agencies of government administration in the townships where persons of this minority form a majority. Thus, for instance, Hungarians make up 42.77 % of the population in the Subotica township and are represented by 67 deputies to the Municipal assembly (of which 28 deputies belong to DUVH). Both the Mayor and the President of the Executive Council are members of DUVH.

These dominant as well as other minorities are represented in provincial and particularly in local authorities.

On the basis of everything that has been said so far it follows that persons belonging to national minorities in FR Yugoslavia, except almost all persons belonging to the Albanian national minority from Kosovo and Metohija, are using their right to political association in accordance with the constitution and the law.

The right to the official use of a native language and script

The FRY Constitution recognizes to the national minorities the right to develop, preserve and express their linguistic specificities and in the parts of FRY inhabited by national minorities, their languages and scripts, too, are in official use, in accordance with the law. The minorities are likewise guaranteed, as set out above, the right to public information and schooling in their native language in accordance with the law.

There is no comprehensive law at the level of FRY regulating the official use of languages and scripts, but the Federal Government is currently working on one such project. The Republic of Serbia has passed the Law on the Official Use of Languages and Scripts which stipulates that in the areas of the Republic of Serbia inhabited by minorities also their languages and scripts will be used together with the Serbian language in official communications

According to the above mentioned Law, the official use of languages and scripts entails the use of those languages and scripts by the state authorities, agencies of the autonomous provinces, towns and townships, institutions, enterprises and other organizations pursuing the activities set forth in this Law. The official use of languages and scripts also includes the use of languages and scripts for writing the names of places and other geographic names, the names of squares and streets, the names of agencies, organizations and firms, public announcements, information and warnings, as well as the writing of other public inscriptions. The Law further stipulates that the official use of languages and scripts entails in particular their use in verbal and written communications between government bodies, organizations, as well as clients meaning individual citizens, the conduct of proceedings for the exercise and protection of civil rights, duties and responsibilities, prescribed record-keeping, issuance of identification documents, exercise of the rights, duties and responsibilities by employed or formerly employed persons.

The Law stipulates that the townships inhabited by minorities shall decide when minority languages will be in official use in their territory, i.e. specify in the municipal statute which language or minority languages shall be in official use in their township.

We shall here illustrate how the constitutional and legal provisions on the official use of languages and scripts are enforced in practice by looking at AP Vojvodina, a province with a specific ethnic composition. Namely, Serbs account for 57.3 % of its population, Hungarians - 16.9 %, Yugoslavs - 8.4 %, Croats - 3.7 %, Slovaks - 3.2 %, Montenegrins - 2.2 %, Romanians - 1.9 %, Romanies - 1.2 %, Bunyevats - 1.1 %, Ruthenians - 0.9 %, Ukrainians - 0.24 % and others - 3.2 %.

The statute of Autonomous Province of Vojvodina as the basic legal act of the Province stipulates that in parallel with the Serbian language and the Cyrillic script (and in the Latin script as laid down by the law), the government agencies of Autonomous Province of Vojvodina will officially use Hungarian, Slovak, Romanian and Ruthenian languages and their respective scripts, as well as the languages and scripts of other national minorities as stipulated by law. Regular simultaneous interpretation into five languages is provided at the Vojvodina Assembly sessions Communications between clients (citizens) and the provincial authorities take place in the languages of the national minorities. The courts of law in Vojvodina have the necessary capacities for the conduct of proceedings in the languages which are in official use in particular areas and in cases where such a possibility does not exist, a sworn-in court interpreter is provided

Of the total 45 townships in Autonomous Province of Vojvodina, 37 have included in their statutes a provision governing the official use of the languages and scripts by the respective national minorities living in their territories so that one or several minority languages are in official use as well. In parallel with Serbian, the Hungarian language and script are in official use in 31 townships, Slovak in 12, Romanian in 10, Ruthenian in 6, and Czech in 1 township. (There are no more than 2,910 Czechs living in the entire Yugoslavia, of which 1,844 in Vojvodina) A considerable number of townships use several languages and scripts simultaneously and equally

In the Republic of Montenegro, the relevant Constitutional arrangements are carried out directly. In particular, Article 68 of the Constitution of the Republic of Montenegro guarantees the persons belonging to national minority and ethnic groups the right to freely use their language and script and the right to be educated and informed in their language.

The right to communication with the mother nation and her representatives

As we have noted in the introductory part of this report, the Constitution of FR Yugoslavia goes a step further than the International Covenant on Civil and Political Rights and stipulates a special right for persons belonging to national minorities to maintain links and relations with their mother state. In this manner, FR Yugoslavia wishes to develop good relations with her neighbors on the basis of equality, respect for each other's sovereignty and for the territorial integrity as well as to the mutual benefit. This is in the interest of all peoples and is the basis of stability in the region. The peoples of FR Yugoslavia and her neighbors are compelled by their historical ties to live together and persons belonging to national minorities in these states should serve as bridges for good-neighbourly cooperation.

The right to freedom of religion

The Constitution of FR Yugoslavia as well as the constitutions of its member republics guarantee the freedom of religion to all citizens without any discrimination. Pursuant to the constitutional arrangements, the church is separated from the state and is free to organize religious life, including the organization of religious schools.

The constitutional and legal provisions and the equality established in practice have made it possible so far for around 50 registered religious communities to operate in the Republic of Serbia and in the Republic of Montenegro.

The Islamic community is active among persons belonging to the Moslem faith and particularly among the Albanians, whereas the Roman Catholic Church is active among the Croats and the Hungarians. Traditional protestantism is represented by the Slovak-Evangelist Church which brings together persons belonging to the Slovak national minority and by the Christian Reform Church which is active among the Hungarians.

All religious communities perform religious rites and establish their internal organization quite independently and in full freedom. They also pursue freely and without any state control their international relations and apply for membership with international ecclesiastical fora and other inter-church associations. The delegates to such international gatherings and members of such international church fora are elected by the religious communities in keeping with their respective criteria.

Most religious communities have developed various publishing activities. They publish religious service and other books, university and secondary school textbooks, as well as a number of magazines for children, youth, the family or the broadest number of believers and others concerned. Emphasis of late has been placed on the publishing and distribution of video and audio tapes, up-to-date devices that reach believers somewhat faster. All religious communities, especially the minor ones, import considerable quantities of different publications from abroad. Thus, for instance, on the initiative of the Ministry for Religions of the Republic of Serbia, the Islamic Community - the Madrasa in Novi Pazar - has imported duty-free from France 20,000 copies of Koran which were then distributed to the students at the madrasa in Novi Pazar free of charge. The imported quantity will, it is believed, meet the needs of that school in the coming ten years. Religious books are sold without any restrictions at bookshops and at other convenient places and the publishers of such works exhibit them successfully at the book fair and at other similar events. Religious production is subject to general regulations applicable to all publishers. The distribution of such publications is completely free and not subject to any censorship.

All religious communities are able to quite freely conduct religious instruction and teach their followers' children and other persons concerned. Instruction takes place on Church and other appropriate premises. Textbooks and lecturers are provided by the religious communities in keeping with their criteria. The success of religious instruction and its child coverage depend in particular on the degree of organization of each individual religious community and the lecturers' capability to generate interest among their students. The regulations in force do not envisage the possibility of organized religious instruction at state-owned schools, but certain surveys are underway to explore all the aspects of a possible arrangement designed to offer religious instruction as an elective school subject to children who express an interest therein.

Certain religious communities that are active in the Federal Republic of Yugoslavia run schools for priests and some send their personnel for training abroad.

The Islamic community has two secondary schools for the training of Imam personnel. The Madrasa in Pristina organizes instruction in the Albanian language and that in Novi Pazar in Serbian. At the Pristina madrasa there are around 250 students, and around 150 at that in Novi Pazar. Higher education is acquired at universities in Arab and other Islamic countries which provide very favourable studying conditions for all those concerned.

The Christian Adventist Church has located its Faculty of Theology in Belgrade with around 100 full-time and part-time students. The Christian Baptist Church has a secondary and higher school of theology in Novi Sad with a small number of students, and the Roman Catholic Church has its secondary seminary in Subotica.

A number of religious communities which are active in the Federal Republic of Yugoslavia send their personnel for training abroad and, upon completion of their studies,they in most cases re-assign them to local churches. All the religious communities which have their religious schools draw up their curricula and publish textbooks and other teaching aids quite independently. The church organs responsible for education select the teaching staff according to their own criteria. They pursue their enrolment policy and fix quotas in response to actual needs All religious schools are outside the state schooling system. Due to the need to preserve their autonomy and the distinctive nature of religious schooling, the leaderships of these religious communities have so far not demonstrated an interest in changing that status

The Islamic religious community in the Federal Republic of Yugoslavia has a remarkable number of religious facilities which meet all the believers' needs.

According to the Islamic community's official documents, this community has a total of 571 Moslem districts; 448 jaias with Imam; 123 districts without Imam, 457 mosques; 129 masjids; 58 Moslem primary school classrooms; 19 dervish monasteries (tekkes); 33 turbehs, 50 offices; 21 funeral preparation chambers (gasulachanahs), 7 Imam apartments, 233 leased buildings; and 817 cemeteries.

In Autonomous Province of Vojvodina there are around 200 Catholic churches and about 20 Reform churches which bring together believers who belong to different national minorities living in Autonomous Province ofVojvodina. Many of these buildings are protected by the state as cultural historical monuments.

In the Republic of Montenegro the Roman Catholic Church has 148 churches and 70 other religious facilities, whereas the Islamic religious community has 85 mosques and masjids, as well as 45 other ecclesiastical facilities.

IV Some specific problems concerning the use of national minority rights in FR Yugoslavia

Apart from the above mentioned rights, national minorities also use other general rights like: the right to health care, employment, entitlements stemming from employment, old-age and disability insurance benefits, child care, etc.

No major difficulties have been encountered in the implementation of these rights in Autonomous Province Vojvodina, whereas a great majority of ethnic Albanians in Autonomous Province of Kosovo and Metohija have been refusing to use those rights due to the well-known separatist trends which have been particularly pronounced in the past few years.

Health care

Due to the high birth rate among the Albanian national minority in Kosovo and Metohija (2 9 %), which is the highest in Europe, the population in this region has tripled in the past few decades. Such a high natural increment has led to a change in the health status of the local population in Kosovo and Metohija both with regard to its morbidity and mortality.

The high share of young people (1 - 14 years) who make up 42 per cent of the population and that aged below 30 who account for 70 per cent thereof accounts for distinctive morbidity and mortality patterns. The health status of the population is characterized, on the one hand, by a low mortality rate overall due to the high percentage of young population and, on the other hand, by a high percentage of mortality in the 0 - 4 years age group due to the failure to take up-to-date preventive measures, i.e. vaccination. Pristina boasts a Clinical-Hospital Centre comprising 20 clinics, centres and institutes, medical faculties, public health care centres, the Blood Transfusion Institute There are also 4 large health centres in Pec, Prizren, Gnjilane and Kosovska Mitrovica All these institutions have a 12,461 medical personnel of which 66 % are ethnic Albanians. The health service of Kosovo and Metohija operates as a part of a single health care system of the Republic of Serbia. The Provinces secure for their citizens the right to health care in the same manner as it is provided to the citizens in other parts of the Republic, regardless of their religion, ethnic origin, gender, age, etc. Despite the successful development of the health service and the results attesting to the improvement in the public health status, according to certain data and reports, the quality of the health care service falls short of the attained level of development and the internationally-recognized professional-medical principles.

The principled position of health workers who stand ready to extend appropriate health care to everyone who so requests provides a solid basis for re-building confidence among all citizens of this region. In addition to the many difficulties in organizing health-care activities, numerous problems have arisen as a result of sanctions so that health workers who were unable to procure sanitary and other necessary supplies have had to resort to most primitive methods to prevent the incidence of communicable diseases.

Employment

A large number of ethnic Albanian workers have wilfully abandoned their enterprises and government institutions obviously in response to the orders of their secessionist leaders, the orders that represent a gross manipulation and abuse for political purposes. The Constitution guarantees the right to work. Thus, for instance, the real objective of those who ordered ethnic Albanian workers to abandon their workposts was to paralyze economic life and promote the claim that "Kosovo is not Serbia". Thus, for example, the recent re-start of production at the Mining-Metallurgical Kombinat TREPCA and the return of a significant number of Albanians to work shows that the right to employment has not been denied to the Albanian population. The individuals who have resisted separatist pressures are now working normally in a number of different sectors.

This boycott has made it impossible to enforce Article 23 of the Universal Declaration on Human Rights, Article 6 of the International Covenant on economic, social and cultural rights and Article 5 of the Internatonal Convention on the abolition of all forms of racial discrimination.

However, notwithstanding the boycott, persons belonging to the Albanian national minority account for 60 % of around 120,000 employees in the social sector.

The Albanian population in Kosovo and Metohija owns the bulk of private capital in privately-owned firms. The Albanian separatist leadership has levied an illegal 3 % tax on all gainfully-employed persons to finance their separatist and other activities with a view to undermining the constitutional order and destabilizing the Republic of Serbia.

Child care

In the area of child care we wish to point out in particular to the problem of using the right to family allowance in Autonomous Province of Kosovo and Metohija.

Namely, in 1991 the number of family allowance recipients was 236,000, and at present this right is used by around 90,000 children. The reasons for this substantial reduction in the number of recipients are not and cannot be the arrangements laid down by the Law on social child care which was passed towards the end of July 1992 because the new arrangements, compared with those in force in Autonomous Province of Kosovo and Metohija in the previous period, extend the coverage of recipients that can claim family allowance also to farmers, the jobless and to the recipients of family welfare benefits. They also regulate in a more favourable manner the rate of family allowance by pegging it to the average monthly salary in the enterprise sector of the Republic.

The main reason for this reduction is the lower number of children who attend classes regularly, a requirement which must be satisfied throughout the Republic as a precondition for this entitlement.

It should be stressed here that the parents of the ethnic Albanian children who do not attend classes regularly have but in a small number of cases applied for this benefit and most have

not used their right to lodge a complaint nor resorted to any other legal remedies, it follows from all this that they neither wish nor dare use this right, being as they are under pressure from separatists Any attempts to place this problem in the context of violations of ethnic Albanian children's human rights are untenable The competent bodies of FR Yugoslavia and the Republic of Serbia seek to make ethnic Albanian children attend classes regularly again and thus qualify for other rights which belong to all citizens of FR Yugoslavia and the Republic of Serbia including the right to family allowance

---

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/51/204
10 July 1996

ORIGINAL: ENGLISH

Fifty-first session
Item 113 (c) of the preliminary list*

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Letter dated 8 July 1996 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith a statement that was issued by the Presidency on behalf of the European Union concerning the political situation in Myanmar (see annex).

I should be grateful if you could have the text of the present letter and its annex circulated as an official document of the General Assembly under item 113 (c) of the preliminary list.

(Signed) John H. F. CAMPBELL
Ambassador
Permanent Representative

* A/51/50.

96-17172 (E) 120796 130796

/...

ANNEX

[Original: English and French]

Statement issued on 5 July 1996 by the Presidency on behalf of the European Union on the political situation in Myanmar

The European Union is deeply concerned at the continuing deterioration of the political situation in Myanmar. It expresses continued strong concern with regard to restrictions on the fundamental rights of freedom of speech, movement and association.

The European Union reiterates its call upon the State Law and Order Restoration Council to implement, without delay, respect for human rights. It strongly urges the State Law and Order Restoration Council to release, immediately and unconditionally, those members of the National League for Democracy who are still detained, including Mr. Aye Win and Mr. Win Htein, and all other political prisoners. In addition, the European Union calls upon the United Nations Special Working Group on Arbitrary Detention and Imprisonment to visit Myanmar.

The European Union calls upon the State Law and Order Restoration Council to enter into meaningful dialogue with Daw Aung Sang Suu Kyi, and other representatives of the pro-democracy groups, as well as with national minorities in Myanmar, to bring about national reconciliation and democratic reform respecting the aspirations of the people of Myanmar as expressed in the elections of May 1990.

The European Union expects a full and satisfactory explanation from the Myanmar authorities of the circumstances leading up to and surrounding the death in custody, on 22 June 1996, of the late Mr. James Leander Nichols, who had served as Honorary Consul for several European States. The European Union calls for an investigation by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar into the death of Mr. Nichols.

The European Union urges all parties in Myanmar to refrain from actions that would cause a further deterioration in the situation.

The European Free Trade Association countries, members of the European Economic Association, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland and Romania align themselves with this statement.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/51/205
10 July 1996

ORIGINAL: ENGLISH

Fifty-first session
Item 49 of the preliminary list*

QUESTION OF THE FALKLAND ISLANDS (MALVINAS)

Note verbale dated 9 July 1996 from the Permanent Representative of Brazil to the United Nations addressed to the Secretary-General

The Permanent Representative of Brazil to the United Nations presents his compliments to the Secretary-General and requests that the attached declaration be circulated among the States Members as an official document.

---

* A/51/50.

96-17221 (E) 150796 150796 160796

/...

ANNEX

[Original: Spanish]

Declaration on the Malvinas

The Presidents of the States members of the Southern Common Market (MERCOSUR) and the Presidents of the Republic of Bolivia and the Republic of Chile reaffirm their support for the legitimate rights of the Argentine Republic in the sovereignty dispute on the question of the Malvinas Islands and recall the desire of the countries of the hemisphere that an early solution be found to the long-standing sovereignty dispute between the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland with respect to the said territory, in accordance with the resolutions of the United Nations and the Organization of American States.

DONE on 25 June 1996 at Potrero de los Funes, San Luis province, Argentine Republic, on the occasion of the Tenth Meeting of the Presidents of MERCOSUR.

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/51/206
S/1996/539
10 July 1996

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Items 94 and 108 of the preliminary list*
THE SITUATION IN THE OCCUPIED TERRITORIES OF CROATIA
REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS

SECURITY COUNCIL
Fifty-first year

Letter dated 10 July 1996 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to refer to your report to the Security Council of 21 June 1996 on the situation of human rights in Croatia pursuant to Security Council resolution 1019 (1995) (S/1996/456).

In paragraph 25 of the report you write: "According to the report by the Government, as of 10 June 1996 only 7,065 persons had returned to Croatia following Government authorization. International observers report that the number of Croatian Serbs who have actually returned to their homes in the former Sectors appears to be considerably lower than this figure." My Government is deeply disappointed that when such reservations existed, the international observers did not seek to verify the authenticity of the number, especially when the number is in effect the crux of the issue at hand.

The Croatian Government has well-documented files in this regard, and invites the United Nations High Commissioner for Human Rights to visit the Government's Office for Displaced Persons and Refugees and verify the authenticity of the number that the Government had submitted. A file on each

* A/51/50.

returnee will be available to him. Out of the total documented returnees: 5,192 returned to Croatia after receiving security clearance from the Office for Displaced Persons and Refugees; 586 returned on the basis of Croatian citizenship; and 1,287 returned on the basis of other documentation. I should also like to add in this regard that my Government estimates that several thousand more ethnic Serbs returned to Croatia for whom there is no documentation.

My Government has shown extraordinary transparency in respect of human rights. It has given an open door to more than 300 humanitarian organizations that in one way or another monitor and report on human rights. We did so with the hope that transparency would translate into disciplined, balanced, thorough and coordinated investigations. The delicate issue of human rights cannot be treated lightly.

The return of displaced persons and refugees is one of the cornerstones of the international community's policy in the region. We are pleased to note in this regard that the number of repatriated refugees to Croatia has been unmatched in the region. The returns would be proceeding at an even faster rate if there were no legitimate security concerns associated with the unmanaged influx of persons that were associated with the party that started the conflict in Croatia in the first place. The risks regarding the safety of 38,000 non-Serb returnees presently in the liberated areas and the right of return of 80,000 more non-Serb expellees from the liberated areas are serious and significant and have wider implications.

Furthermore, the number of Serb returnees to Croatia must be considered within the context of the generally accepted norms and standards regarding the return of displaced persons and refugees. Their return should be safe, dignified and voluntary. My Government has in the past actively contributed to the debate on this position of the international community. Croatia's managed return policy, therefore, should be viewed with this in mind.

In conclusion, it is the position of my Government that the human rights situation in Croatia does not in any way constitute a threat to peace and security in Croatia, nor in the region, and should therefore, consistent with the Charter of the United Nations, be addressed exclusively by the United Nations forums dealing with human rights.

May I ask for your kind assistance in circulating the text of the present letter as a document of the General Assembly, under items 94 and 108 of the preliminary list, and of the Security Council.

(Signed) Mario NOBILO
Ambassador
Permanent Representative

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/51/207
11 July 1996

ORIGINAL: ENGLISH

Fifty-first session
Item 71 (e) of the preliminary list*

GENERAL AND COMPLETE DISARMAMENT: RELATIONSHIP BETWEEN DISARMAMENT AND DEVELOPMENT

Note by the Secretary-General

In paragraph 4 of its resolution 50/70 G of 12 December 1995 entitled "Relationship between disarmament and development", the General Assembly requested the Secretary-General to submit a report on the subject-matter at its fifty-first session. In this connection, the Secretary-General would like to draw the attention of Member States to his report on the subject submitted to the General Assembly at its fiftieth session (A/50/388), in paragraph 2 of which, inter alia, he notes: "Pending further guidance by the Member States, the Secretary-General has no new developments to report at this stage". This situation remains unchanged.

---

* A/51/50.

96-17227 (E) 240796